

**JEFFREY DALE GREGORY,** )  
)  
**Plaintiff,** )  
)  
**Vs.** ) ***ROSEBORO***  
) **ORDER**  
)  
**USPS POSTMASTER JOHN POTTER;** )  
**CHEISE LIPSCOMB; RUSSELL** )  
**GARDNER; and GREG GAMBLE,** )  
)  
**Defendants.** )  
)

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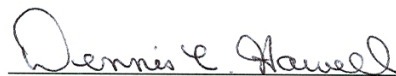
otherwise be admissible at trial, i.e., in the form of affidavits or unsworn declarations. An affidavit is a written statement under oath; that is, a statement prepared in writing and sworn before a notary public. An unsworn statement, made and signed under the penalty of perjury, may also be submitted. Affidavits or statements must be presented by plaintiff to this court within fourteen (14) days from the date of this Order. As stated by Rule 56(e), plaintiff's failure to respond may result in the action being dismissed by way of summary judgment.

Plaintiff is also advised that defendants have moved under Rule 12(b)(1),(2), (4), (5), and (6). In pertinent part, defendants contend that this action is barred by dismissal of these claims in bankruptcy and the district court's affirmance of such determination in 1:07cv142-T and that such claims are also barred by a settlement entered into the Trustee and the Postmaster General. Plaintiff is advised that he has a right to file a written response to these arguments and other arguments contained in the government's motion and brief also within the 14 days provided.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff file and serve his response not later than November 5, 2009.

Signed: October 20, 2009

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Dennis L. Howell  
United States Magistrate Judge

